

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

XL CAPITAL  
ASSURANCE INC.,

Plaintiff,

- against -

INDYMAC BANK,  
F.S.B.,

Defendant.

8 cv 5842 (JK)

MOTION TO ADMIT COUNSEL  
PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the  
Southern and Eastern Districts of New York, I, Joshua B. Selig a member in good standing of  
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Lori Lynn Phillips  
Firm Name: Heller Ehrman LLP  
Address: 701 Fifth Avenue, Suite 6100  
City/State/Zip: Seattle, WA 98104  
Phone Number: (206) 447-0900  
Fax Number: (206) 447-0849

Lori Lynn Phillips is a member in good standing of the Bar of the States of  
Washington

There are no pending disciplinary proceeding against Lori Lynn Phillips  
in any State or Federal court.

Dated:

City, State: Seattle, Washington

Respectfully submitted,

Sponsor's Joshua B. Selig  
SDNY Bar JS-1271  
Firm Name: Heller Ehrman LLP  
Address: 701 Fifth Avenue, Suite 6100  
City/State/Zip: Seattle, WA 98104  
Phone Number: (206) 447-0900  
Fax Number: (206) 447-0949

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

XL CAPITAL ASSURANCE INC.,

Plaintiff,

v.

INDYMAC BANK, F.S.B.,

Defendant.

No. 08 CV 5842 (JGK)

AFFIDAVIT OF JOSHUA B.  
SELIG IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
*PRO HAC VICE*

State of Washington )  
  )  
County of King        )       ss:

Joshua B. Selig, being duly sworn, hereby deposes and says as follows:

1. I am an attorney with the law firm of Heller Ehrman LLP, counsel for Defendant in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Lori Lynn Phillips as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on April 19, 2006. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Lori Lynn Phillips since July 2007.

4. Ms. Phillips is an attorney with the law firm of Heller Ehrman LLP, in Seattle, Washington. Ms. Phillips is admitted to the bar of the State of Washington. A certificate of Ms. Phillip's good standing, issued within the last 30 days, is attached hereto as Exhibit A.

5. Ms. Phillips is a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move for the admission of Lori Lynn Phillips, *pro hac vice*.

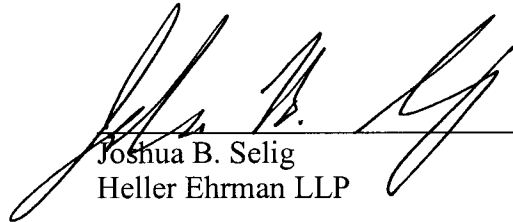
7. I respectfully submit a proposed order granting the admission of Lori Lynn Phillips, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Lori Lynn Phillips, *pro hac vice*, to represent Defendant in the above captioned matter, be granted.

Dated: 7/30/08

City, State: Seattle, Washington

Respectfully submitted,

  
Joshua B. Selig  
Heller Ehrman LLP

SDNY Bar Code: JS-1271

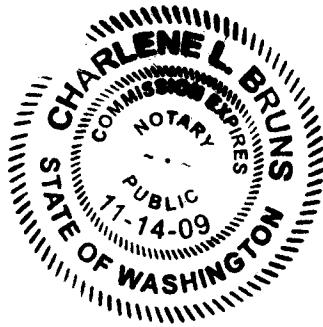
STATE OF WASHINGTON

COUNTY OF KING

)  
) ss.  
)

On this day personally appeared before me Joshua B. Selig, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 30<sup>th</sup> day of July, 2008.



Charlene L. Bruns  
Print name: Charlene L. Bruns  
NOTARY PUBLIC in and for the State of  
Washington, residing at Bremerton  
My appointment expires 11-14-09

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7/24/08 3:07 PM (38773.0704)

# **EXHIBIT A**

# IN THE SUPREME COURT OF THE STATE OF WASHINGTON

IN THE MATTER OF THE ADMISSION	)	BAR NO. 25473
	)	
OF	)	<b>CERTIFICATE OF GOOD</b>
	)	
LORI LYNN PHILLIPS	)	<b>STANDING</b>
	)	
TO PRACTICE IN THE COURTS OF THIS STATE	)	
	)	

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I, Ronald R. Carpenter, Clerk of the Supreme Court of the State of Washington, hereby certify

LORI LYNN PHILLIPS

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on November 17, 1995, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.

IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed  
the seal of said Court this 28<sup>th</sup> day of  
July, 2008.



A handwritten signature in black ink, appearing to read "Ronald R. Carpenter", written over a horizontal line.

Ronald R. Carpenter  
Supreme Court Clerk  
Washington State Supreme Court

## **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

XL CAPITAL ASSURANCE                      Plaintiff,  
INC.,

8    cv   5842                      (JK   )

- against -

INDYMAC BANK, F.S.B.,                      Defendant.

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Joshua B. Selig                      attorney for INDYMAC BANK, F.S.B.  
and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name:    Lori Lynn Phillips  
Firm Name:                      Heller Ehrman LLP  
Address:                      701 Fifth Avenue, Suite 6100  
City/State/Zip:                      Seattle, WA 98104  
Telephone/Fax:                      (206) 447-0900  
Email Address:                      lori.phillips@hellerehrman.com

is admitted to practice pro hac vice as counsel for INDYMAC BANK, F.S.B.                      in the above  
captioned case in the United States District Court for the Southern District of New York. All attorneys  
appearing before this Court are subject to the Local Rules of this Court, including the Rules governing  
discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall  
immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice  
fee to the Clerk of Court.

Dated:  
City, State:

\_\_\_\_\_  
United States District/Magistrate Judge



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

XL CAPITAL ASSURANCE INC.,

Plaintiff,

Civil Action No. 08-5842 (JK)

v.

**AFFIDAVIT OF SERVICE**

INDYMAC BANK, F.S.B.,

Defendant.

-----X

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

Richard Rodriguez, being duly sworn, deposes and says:

1. I am employed by the law firm of Heller Ehrman LLP, and over the age of eighteen years of age and not a party to this action.
2. On August 14, 2008, I served a copy of MOTION TO ADMIT LORI LYNN PHILLIPS PRO HAC VICE upon the following parties by first class mail, postage fully prepaid, by depositing same in an official depository of the United States Mail:

Attn: Tyler P. Brown, Esq.  
Edward L. Douman, Esq  
Hunton & Williams LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219-4074

Attn: Peter S. Partee, Esq.  
Scott H. Bernstein, Esq.  
Hunton & Williams LLP  
200 Park Avenue, 53<sup>rd</sup> Floor  
New York, New York 10166-0136

  
Richard Rodriguez

Sworn to before me this  
14<sup>th</sup> day of August, 2008

  
Notary Public

SUZANNE CHALPIN ALENICK  
Notary Public, State of New York  
No. 314920942  
Qualified in New York County  
Commission Expires 1/25/2010